

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2011-1009SOVERAIN SOFTWARE LLC

v.

NEWEGG INC.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

OCT 22 2010

JAN HORBAL
CLERK

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing.

Name of the party you represent SOVERAIN SOFTWARE LLC

Party is (select one)

☐ Appellant/Petitioner☐ Cross-Appellant☒ Appellee/Respondent☐ IntervenorTribunal appealed from and Case No. U.S. District Court, Eastern District of Texas, Case No. 6:07-CV-00511-LEDDate of Judgment/Order October 5, 2010 Type of Case Civil Action for Patent Infringement

Relief sought on appeal

Soverain Software LLC seeks no affirmative relieve, other than affirmance of all issues decided below.

Relief awarded below (if damages, specify) _____

Damages in the amount of \$2,500,000, plus post-verdict damages, interest and costs; and on-going royalties.

Briefly describe the judgment/order appealed from _____

Defendant-Newegg Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Order entering final judgment on August 11, 2010 (ECF No. 435) and from the Order denying Newegg's renewed post-judgment motions for judgment as a matter of law on non-infringement, invalidity, and damages (ECF No. 448).

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Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____
- _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

NONE

Brief statement of the issues to be raised on appeal _____

Soverain Software does not intend to raise affirmatively any issues on appeal and will argue for affirmance of all issues decided below.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☐ During the pendency of the case below?
- ☒ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? _____

Michael P. Patterson, approved mediator for the United States District Court, Eastern District of Texas

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☒ Yes ☐ No

If you answered no, explain why not _____

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

NONE


I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 21st day of October, 2010

by: Electronic mail and overnight mail.

(manner of service)

THOMAS L. GIANNETTI

Name of Counsel



Signature of Counsel

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